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William Mitchell College of Law

William Mitchell
Opinion

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SBA Parking Plan for Women Upheld

Stine's Decision Appealed

By Michael Moriarity

William Mitchell Assistant Dean Curt Stine, the Designated Hearing Officer for sex-based discrimination complaints, recently held that the SBA plan to allocate the parking lots to women was not impermissibly discriminatory. In a four page opinion released January 16, Stine said the actions were meant "to equalize participation of both sexes in the institution's activities." Finding that it was clear that many women were less likely to remain at school after class hours because they fear the possibility of assault, sexual or otherwise, Stine concluded that, "there is a substantial probability that women may make more limited use of school facilities at night than do men because of these circumstances." In such situations, affirmative action is authorized, and although it may provide a benefit unavailable to men, it is one that does not violate the overall purpose of federal regulations.

The issuing of Stine's opinion is the latest development in a controversy that began last fall when the SBA adopted the parking proposal. Alleging sex-based discrimination, third year student Dan Butler filed a formal complaint and demanded a hearing on the matter. The hearing was held in early December, at which time Butler, assisted by Janine Laird, argued his case against the SBA. Responding to his arguments, SBA representatives Barbara Louisell and Carrie Sachs contended that the plan was necessary to provide a safe place for women to go to school, and that in any event, it was not discriminatory. Dean Stine agreed.

In reaching his decision, Stine examined records of the St. Paul Police Department which were introduced into evidence during the hearing. Those figures reflect that during the period from January 1 to November 15, 1977, the total number of crimes against the person, including sexual assault, reported in the four block area surrounding the school was 27. Of these crimes, 19 victims were female and 8 victims were male.

Crimes against Mitchell students appear to be limited in number, as far as crimes against the person are concerned, although there have been a number of incidents of vandalism and crimes against property. Reported personal crimes were limited to two attempted sexual assaults on woman students, and an assault with a weapon on a male student. In addition, several women reported purse snatchings, the latest of which occured on December 6—the night of the hearing.

From these figures, and given the fact that a large number of students must park several blocks from school during evening and night hours, Stine concluded that, "(A)ny student, male or female, may be vulnerable to attack (although the evidence does not indicate a high degree of risk to students of either sex). However, the evidence...indicates a significantly larger possibility of assault on females than on males in the immediate vicinity of the school."

As a result of these circumstances, Stine found the substantial probability that women make more limited use of the facilities. To overcome this condition, affirmative action is permissible, and therefore the allocation of parking space to women did not violate the overall purpose of the federal regulations.

Stine calls bench conference at hearing. Janine Laird, assisting petitioner Dan Butler, opposed Barb Louisell and Carrie Sachs for Respondent SBA.

Butler also alleged that the parking plan was prohibited by the Minnesota Human Rights Act, Minnesota Statutes §363.01 *et. seg.* He was not able to cite any authority, however, for his assertion that a designated hearing officer appointed pursuant to the federal regulations had jurisdiction to hear the state complaint. Finding no jurisdiction, Stine did not discuss the provisions of the Minnesota Act.

All relief sought by Butler (he asked alternately for damages of $200 or 2 academic credits to be awarded to him for Independent Study), was denied, and findings were entered for the respondents.

Butler was not pleased with the result. First of all, he criticized Stine for releasing his opinion so late—after the plan was put into effect. Butler was insulted to learn that the names of the women winners of the parking lottery were posted in the school office before he was informed of the decision. Stine noted that Butler *was* notified of the decision (although the **Opinion** and the SBA were not) but that his opinion had not been released at that time. Rumors that the women were to be allotted the parking spots surfaced the weekend of January 8, the weekend of winter graduation. When asked at the reception for graduating seniors, Stine

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Lawyers for Students?

Administration Proposes Group Legal Services

Roger Haydock

by Tom Copeland

Where do students turn when they have a legal problem? How many of us potential lawyers could afford to hire a lawyer if we needed one? Do we know where to look for one?

A proposal that would provide broad legal services for students at Mitchell and a number of undergraduate colleges in the area at a cost of around $3 per student per semester is now under consideration by the SBA.

In addition to practical legal representation the legal services program would also serve an educational function by providing workshops, lectures, and publications about legal problems.

To set up such a program would require the participation of the student bodies of several colleges and Mitchell. The University of Minnesota already has a student legal services program for its undergraduates.

The legal services available would include help with consumer matters, housing, employment, car accidents, insurance, family law and much more. Legal matters specifically excluded would be: criminal problems, personal injury claims, commercial and tax matters, and others.

The plan was originated by Professor Roger Haydock, Clinical Director and Assistant Dean Marvin Green. They organized a meeting before last Christmas with representatives from Macalester, St. Thomas, Augsburg, St. Catherines, Concordia, and Mitchell where their proposal was introduced and explained. It was the hope of the organizers that most if not all of the schools will participate and collect the student fees necessary to get the program rolling by next fall. So far there has been no committment forthcoming from any school.

Haydock explained that the idea for this program is to make legal services available to students who normally wouldn't get it. A primary reason for the program is also to provide a source of clients for the Mitchell law Clinic, he said. The legal services staff would consist of several attorneys, a secretary, and certified Mitchell law students supervised by the Law Clinic. The program would provide a valuable educational experience for Mitchell students. Main offices would be located in the Legal Education Center building.

Begun in 1973, Mitchell's Law clinic has already gained national recognition. The 1977 Council on Legal Education and Professional Responsibility survey ranked our Law Clinic as one of the most extensive and successful programs among all law schools. Last spring the Law Clinic initiated a pilot project to provide limited representation for students at Macalester College. It was a four week program in

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EDITORIALS

Emotions Blur Issues in Parking Controversy

The most hotly debated controversy of this academic year was temporarily settled on January 16, 1978, with the issuance of Dean Curtis Stine's opinion upholding the allocation of main parking lot permits to women only (see story, page 1). Until this case can be heard by the Human Rights commission, an event which may not take place for up to 18 months, the WMCL administration will continue to issue permits in accordance with the SBA Board of Governor's resolution.

The issues raised in the course of the proceeding, however, are not so easily labeled. Much is to be learned from this, William Mitchell's first public experience with a sex-based discrimination complaint.

The initial reaction to the complaint is one of surprise that even one student of so many is willing to invest the time and energy required to challenge an administrative and student governmental action. There are those who take issue with Butler's motives, and there may be as many who rally behind him—each with his or her own interests and political persuasions.

The latter category includes those who were surprised to hear of the SBA's parking resolution and were convinced that their student government was making yet another misguided and autocratic decision. On the contrary, the SBA, anticipating that the proposal would give rise to some controversy, posted and left with the Docket for distribution several hundred copies of the written proposal. The response was typical of the student body: none. Is it suggested that each student's neck be wrung until he or she chokes out an opinion on every potentially controversial issue which is before the Board? I sincerely hope not. As one Board member, I would not relish the execution of any such duty. Without it, however, the representative student government at Mitchell remains what it has been for years—one thousand silent faces scurrying around in a frenetic effort to finish their legal training with a minimum of trouble, excitement or flourish. With such a constituency, it should come as no surprise that the SBA parking proposal was passed with a minimum of student input or fuss.

Be that as it may, the fact is that one student saw fit to challenge the legality of the permit allocation before its implementation. The issues raised cause one to take a further look at the attitudes of the student population.

Upon inquiry, many of the women who chose to support Butler's theory of sex discrimination show similar reactions to any assertion that they need something that men don't. Not a surprising reaction, when one considers the role that independence (personal, intellectual, emotional and financial) must play in the life of a woman who chooses to go to law school. But is physical equality necessarily one of those traits that female lawyers must, should or can develop? Dean Stine's opinion acknowledges that women in general (and women within the four square block area around WMCL) are far more likely to be subjected to personal assault, sexual or not, than men. The fact remains—and will remain even when half the justices on the Supreme court are women—that women are better targets for any kind of assault than are men.

The understandable result of that knowledge is that women are more fearful of walking to their cars at night than are men. Evidence admitted at the hearing showed that "there is a substantial probability that women may make more limited use of school facilities late at night than do men" because of these circumstances. This is the essence of the decision that the permit allocation was not impermissible sex discrimination and so not in violation of the federal regulations. The regulation specifically allows the school to "take affirmative action to overcome the effects of conditions which resulted in limited participation" by persons of a particular sex in an education program or activity.

In light of this clear-cut exception to the rule prohibiting sex discrimination, it was amazing to note the number and origin of the irrelevant and unnecessary legal theories upon which the SBA representative primarily sought to justify the parking decision at the hearing. Both parties, while obviously having put many tiring and gratuitous hours in on their cases, seemed to come out sadly short of reaching the ultimate issue as it was later stated in Dean Stine's opinion. It is clear to us that the confusing and sometimes ridiculous nature of the proceeding—from the filing of the complaint through the Appeal—was due to the fact that the issue is such an emotionally charged one with which to deal. The hyper-sensitivity of the litigants and the students involved on both sides of the issue colored the treatment of the legal and social problems with which it was concerned.

And the "public" hearing was hardly that—few of the students in the audience could even hear any of the counsel's arguments or the testimony. Finally, Butler's prayer for relief ($200 or two credits) may have lost him more supporters than he imagined. It is certain that any lawyer would never ask for a form of relief which is not within the power of the hearing officer to order.

Due to these and other factors, many students' overall impressions of the proceedings were poor. What began as an exciting venture into intra-school litigation ended as a disappointing and confusing ordeal. Perhaps the next controversy of this importance could be handled in a more appropriate fashion. If it is an emotional issue, treat it as such. If it is, indeed, involving a legal question, litigate it in that light.

Supreme Court Decision Promotes Coercive Plea Bargaining

Bordenkircher v. Hayes, No. 76-1334, decided January 18, 1978

Last month, the United States Supreme Court rendered a five to four opinion in the case of *Bordenkircher v. Hayes.* The question in the case was whether the Due Process Clause of the Fourteenth Amendment was violated when a state prosecutor carried out a threat made during plea negotiations to re-indict the accused on more serious charges if he did not plead guilty to the offense with which he was originally charged. Mr. Justice Stewart delivered the opinion of the court which held that the threat of the prosecutor did not violate the due process rights of the accused. Such a holding raises serious questions about the plea bargaining process.

There is no question that plea bargaining normally affords genuine benefit to the accused and society. It is said the plea bargaining process flows from "the mutuality of advantage" to defendants and prosecutors, each with his own reasons for wanting to avoid trial. The acceptance of the basic legitimacy of plea bargaining necessarily implies rejection of any notion that a guilty plea is involuntary in a constitutional sense simply because it is the end result of a bargaining process. But how voluntary is it when the court allows the prosecutor to threaten the defendant with higher charges if he or she refuses to deal? It seems questionable to contend that the prosecutor and the defendant still possess equal bargaining power.

This disparity in bargaining power is illustrated by prosecution practices when facing a weak case.[1] The weaker the case, the more the prosecutor has to offer, and consequently the greatest pressures are brought to bear on defendants who may be innocent. The greater the concessions offered by the prosecutor, the more the defendant has to lose by refusing the offer, and, consequently, the greater the pressure he will feel to accept it. Since the weakest cases produce the greatest concessions from prosecutors, and since the weakest cases are the ones in which defendants are most likely to be innocent, the result is that defendants who are most likely to be innocent experience the greatest pressure to plead guilty.

This is one of the major problems with plea bargaining. It induces defendants to waive their constitutional rights—the right against self-incrimination, the right to confront accusers, the right to obtain favorable witnesses, the right to a judgment by jury—and it substitutes prosecutorial discretion and determinations of guilt for the normal constitutional procedures designed to protect the accused and arrive at a judgment based on the evidence. The court has accepted as constitutionally legitimate the simple reality that the prosecutor's interest at the bargaining table is to persuade the defendant to forego his right to a trial.

Yet, even though for centuries, litigation was thought "the safest test of justice," proving guilt beyond a reasonable doubt in a formal adversarial trial before a jury consumes valuable police, prosecution and judicial resources. For that reason, when the Supreme Court, by a four to three decision in 1971, upheld plea bargaining, Chief Justice Burger acknowledged that it was done in the interest of administrative efficiency for the criminal courts. Burger's pre-occupation with judicial efficiency seems to be a questionable reason for by-passing the constitutional protections which the founders of our country guaranteed us 200 years ago.

Court administration proponents, of which Burger is in the forefront, will argue that if more cases go to trial, the backlog of cases will grow and there will be court delays. This may or may not be true (there are studies in some jurisdictions where plea bargaining was abolished which show slight increases in court delay). But the point is that there would seem to be other ways to take care of overburdened courts without circumventing the accused's right to trial. For example, presently pending in Congress are bills to eliminate the diversity jurisdiction in federal courts, to increase the number of federal judges, and to increase the number of magistrates—three proposals that should help alleviate the backlog. Similar proposals and reforms could be instituted in the states.

It seems that the court could better spend its time pursuing other reforms rather than cheapening justice by approving the use of threats in a bargaining procedure where constitutional rights are bargained away. In the words of Mr. Justice Powell in his dissenting opinion, "Implementation of a strategy calculated solely to deter the exercise of constitutional rights is not a constitutionally permissible exercise of discretion." Or, at least it shouldn't have been.

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The Opinion will endeavor to consider fully and thoughtfully all material to determine its relevance and appropriateness before publication. Such consideration will be made with the assumption that freedom of the press within the law school is no less a fundamental right than outside the law school; and in view of the Opinion's recognized responsibility to the members of the student bar, practicing attorneys, and faculty and administration of the law school. Editorials represent only the opinion of their writers.

SBA PRESIDENT'S COLUMN

by Albert Bonin

How to End the Scheduling Nightmare

A major concern for many second and third year students is that they may not have an opportunity to take the electives they want or to complete a desired sequence of courses before graduating. Among the factors that have brought about this concern are the new prerequisite requirement; the addition of professional responsibility and trial skills to the list of required courses; the need felt by most students to take those subjects which are tested on the bar exam (Administrative Law, Wills, Remedies, Negotiable Instruments); inherent scheduling problems, especially for those who work full time or intend to graduate early; and a failure on the part of the school to accurately anticipate and meet the demand of students for certain courses. Discounting those subjects that are tested on the bar exam a student can take only 14 electives in his or her four years at William Mitchell.

Most students can accept the notion of prerequisites, required courses, and unavoidable scheduling problems. And yet it is difficult for students who must shell out almost $900.00 a semester for tuition to accept the fact that because of a bad registration time they may get few, if any, of the courses they planned on taking.

While the problem plagues registrations for both semesters, the fall semester registration is by far the most potentially disappointing. Last fall second year students whose registration times fell near the bottom found themselves in the unfortunate position of signing up for courses which they had no desire to take, while in a few instances courses that could only muster a few registrants ended up cancelled the first week of the semester.

It is clear that this problem is not unique to this law school or any other institution of higher learning. The solution is complex in that the quality of a law school is not so much measured by the variety or number of courses offered, but by the caliber of expertise that professors bring to the college in their own particular areas of the law. The only effective way for a college to acquire and retain noted professors is to provide them with assurances that their field of specialization will become an integral part of the curriculum offered at the college. As a college succeeds in acquiring distinguished and expert faculty members, flexibility of the college is hampered to some extent in the variety and number of course offerings.

For a college such as William Mitchell which places a high premium on quality legal instruction, it is sometimes difficult to find the faculty member who will teach in the area in which the curriculum is found to be lacking.

Attempts at minimizing the problem of course offerings are further complicated by the fact that even with the aid of surveys and questionnaires it is often difficult to accurately predict what courses students will take. Further, many courses that close out early do so not because the subject is a particularly fascinating one, but rather it is the instructor who has made the course attractive and therefore unique.

Another factor which is obvious but nevertheless should be mentioned is the prohibitive cost involved in providing more courses and achieving the ultimate goal of reducing class size.

While this problem does not easily lend itself to a solution, I believe that there are several steps that can be taken.

1. On a general level, every effort should be made to keep abreast of the slowly but constantly evolving interests of students in different areas of the law. This is in part a product of perceived job opportunities, the ever-changing values in our society, and the pace at which certain areas of the law are developing. Any committee set up for the purpose of reviewing curriculum should be cognizant of these factors and weigh them in any proposals for curriculum revision.

2. At the very least, surveys should be conducted each semester, not only asking the students the courses they want to take next semester, but additionally asking what courses they want during the remainder of their terms in school. Having a survey each semester as opposed to once a year should provide a more current and accurate picture of what courses will be in demand. The surveys also should contain the names of the professors who will teach the courses. Perhaps the students should be provided with a tentative schedule of when the courses will be offered. In the last survey taken (Fall 1977) almost every student in the second year indicated that he or she wanted to take either or both of the two required third year courses during their first semester. However, only one-half of the students could be accommodated in either or both of these courses. Consequently, the survey created an incomplete and distorted picture of the demand for the other courses. The surveys themselves should be revised and improved upon each time they are given.

Al Bonin

3. When faculty evaluations are distributed they should contain some questions as to why the student took a particular course. Responses that indicate that a student took a course because of a lack of alternatives may provide a greater indication of the gravity of the problem. Responses that indicate that it was the professor who was teaching the course that motivated the student to take it will help to explain the popularity of the course.

4. A procedure that has met with success in other schools is the process of staggering the closing of certain courses. Under this procedure all the places for certain courses are now allowed to be filled solely by those who register early. This method provides some relief for those who must register near the bottom. A suggestion has also been made that students should only be allowed to register for the required number of credits during the regular registration period. Any additional courses that a student wants may be picked up at a later date. This would reduce the practice by some students of "course shopping." This is the process of registering for one more course than the student actually planned to take and then dropping it after the start of the semester.

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DEAN'S COLUMN

by Bruce Burton

Tightening Bar Admission Requirements

A number of recent trends indicate that obtaining and holding a license to practice law will become increasingly difficult in future years. There are significant factors which point towards more stringent requirements in the law schools; more difficulty in passing bar examinations; and more substantial hurdles in retaining the license to practice law after initial admission to the bar. Note the following:

- Recently the Minnesota State Board of Bar Examiners determined that starting in February, 1979, the practice of "tossing out" the lowest score from among the separate questions on the bar examination would not be followed. For example, a person taking the Minnesota bar examination in the future would have a very low score on, say, the tax question included in computing his or her overall score on the bar exam. Starting in February, 1978, a new special objective exam covering professional responsibility and modeled on the California practice will also be given.

- Certain states, most notably Indiana and New York, have now mandated the law school curriculum requirements which must be satisfied before a candidate will be permitted to sit for the local bar examination. Such requirements are an expression of public policy that the minimal basic legal education must include satisfactory completion of a prescribed number of hours of training in the specific fields of law designated.

- As you are aware Minnesota, Wisconsin, and several other states have created mandatory continuing legal education requirements. Typically an individual attorney must obtain 15 hours of approved course work per year in order to retain his license. Although there is presently no requirement for testing the individual's performance in the courses which he or she may take for the 15 hours, this has been discussed.

- During the debates respecting advertising by attorneys the question has been raised whether special licensing or special certification procedure should ultimately be created for purposes of consumer protection. In other words, the attorney who holds himself out as having expertise in bankruptcy or tax matters might be expected to demonstrate a proficiency in those special areas beyond merely passing the general bar examination.

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Dean Burton

Cameras Go To Supreme Court

by Michael T. Norton

A milestone in the conduct of judicial proceedings in Minnesota was reached on February 7th. On that date, television and still cameras were allowed into the Supreme Court chambers to film a hearing involving Reserve Mining and the Pollution Control Agency. While live or delayed coverage of an actual court trial is not imminent, this change in philosophy and procedure by the Supreme Court could result in press coverage of trial proceedings in the future.

Press coverage in the form of videotape and still photography has been prohibited in the courts of every state, except Colorado, for many years. Coverage by the media was barred largely as a result of the circus atmosphere surrounding cases such as the trial of Bruno Hauptman for the kidnap-murder of the son of Charles Lindberg.

More modern cases have reinforced the traditional ABA antipathy toward the presence of the camera in the courtroom found in Canon 35. .For example, in *Sheppard v. Maxwell,* 384 U.S. 333(1966), a new trial was ordered for convicted wife killer Dr. Sam Sheppard because the "virulent publicity" deprived him of a fair trial. Similarly in *Estes v. Texas,* 381 U.S. 532(1965), the conviction of swindling Texas financier Billee Sol Estes was reversed. The Supreme Court held that Estes had not had a fair trial because the preliminary hearing and part of the trial was televised. Canon 35 holds that judicial ethics prohibit the taking of photographs or the broadcasting of court proceedings because they "are calculated to detract from the essential dignity of the proceedings."

Many of those who argue against actual coverage of court proceedings voice concern over the integrity of the jury process, the potential disruption of normal court procedure and the distractions caused by the presence and activities of media personnel. In those states such as Colorado and Washington which allow media coverage, similar concerns were voiced, but not encountered in actual practice. The courts and bar associations in those jurisdictions found that members of the news media were also professionals who conducted themselves in a highly professional and unobtrusive manner. The actual participants, judges, lawyers, parties and jurors were surprised at how easily the presence of a television camera faded into the background and did not in any way interfere with the conduct of the trial. Everyone was so absorbed in their respective duties that the presence of the news media in the courtroom was largely ignored. In addition, advances in technology and equipment have reached a level where television cameras are virtually noiseless.

Following the recent trend towards the opening of the court room to the camera, the ABA has scrapped the restrictions of Canon 35 in favor of limited use of news cameras and photographic equipment in court. In Minnesota, a joint bar association-press committee was formed at the request of Chief Justice Sheran. The committee developed rules which appear similar to those used successfully in those jurisdictions which allow cameras in the court.

These rules are designed to insure that media coverage is as smooth and unobtrusive as possible. The placement, amount and types of equipment which can be used are regulated to prevent distraction of the participants and to maintain the dignity of the court. For example, a maximum of two video cameras is allowed in the extreme corner of the spectators gallery. While still photographers can sit anywhere in the gallery, there can be only two, and they must shoot while seated with non-machine cameras. Video coverage is limited to a pool feed using existing court room lighting.

Judging from initial reactions, the first experimental coverage was a success. If the next video coverage is also successful, the question becomes how far media coverage of court proceedings will be extended. It is obvious that the electronic media would be extremely interested in broadcasting a 'real' court trial such as the Piper kidnap trial or the Howard murder trial. And there is little doubt that the public would get a much stronger impression from newscasters as a result of this type of coverage. In the long run, this stronger impression should be beneficial to the court system. Better understanding on the part of the public would at least help to disspell the Perry Mason mythology usually associated by the public with the courts.

While actual coverage of court trials is probably desirable, there are many problems to be worked out. Areas such as potential prejudice of prospective jurors; judicial control in 'politically sensitive' trials and protection of witnesses in sex crimes trials are especially touchy. These and other areas must be fully addressed to prevent conflict between a free press and the public's right to know on the one hand, and the right of a fair trial for the parties involved in the litigation on the other. Such issues have been successfully dealt with in other jurisdictions. There is no reason to believe that Minnesota should be any less successful in allowing the camera into the courtroom.

DEAN'S COLUMN

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- Julian Bond argued recently that, as a matter of assuring consumers of strong legal representation by minority attorneys who may have been admitted to law schools through some form of affirmative admissions policy, a stringent bar examination should be given. He extended this principle to the practice of medicine as well, indicating that consumers of professional services should be able to feel confident that a licensed doctor or attorney has not only fulfilled the requirements for obtaining the appropriate professional degree, but has also successfully completed a demanding licensing examination. Mr. Bond's argument is the most cogent response to the anxiety expressed by Minnesotans in a recent Minnesota Poll. The poll indicated that 84% of the citizens believe that the sex of an applicant should not be a consideration in admission to law school or medical school; 80% felt that affirmative admissions of minority applicants who scored less well in admission tests was not a good policy; and 57% of the group surveyed indicated that no special efforts should be made to admit minority people as students of law and medicine.

Taking into consideration the trend towards required continuing education, advertising and specialization, and the concern for consumers that all who practice medicine or law are fully qualified individuals, it is quite apparent that the bar examination will not be supplanted by diploma privilege and may well grow in difficulty as time progresses.

A word of reassurance is probably in order. An analysis of the July 1977 bar examination indicated that, at least among William Mitchell College of Law graduates, for the 20 people who failed the exam while sitting for the first time, most were near the bottom in class rank with respect to their academic performance in law school. Although the undergraduate grade point averages and the LSAT results were mixed across the board from high to low, none of these 20 was in the top one-third of the class and only three were in the middle one-third. The balance were in the bottom third and many of those were in or close to the bottom ten percent. This corroborates an analysis done here several years ago which also indicated that law school academic performance as shown by class rank was much stronger as an indication of probable success on the bar examination than any other factor.

- Presently there is no requirement that an attorney be recertified in one or more areas by retaking some portion of the bar examination on a periodic basis although this has been the subject of discussion recently in several groups.

- Serious discussions have been held in recent months among bar leaders in Minnesota regarding the admission on motion problems. This was brought to the attention of many because certain persons who had failed in an attempt to pass the Minnesota bar examination had gone to a state whose bar examination was less such stringent, passed such a bar examination in that other state, practiced there for the necessary five years, and then petitioned for admission to practice in Minnesota upon motion. This abuse has led to a reexamination of the entire question of comity in the admission upon motion of practitioners from other jurisdictions and it is reasonable to assume that some tightening will occur in the future as a response to this abuse.

- The bar examination results for July 1977 showed a passing rate that was down from previous examinations in recent years here in Minnesota.

SBA Column

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This year we have seen the adoption of the "two week rule" and a more equitable system of registration, but there is a lot more that needs to be accomplished. Of all the facets that make up a college, the most important one is the ability of students to take the courses they feel they will need for the legal careers they have in mind. Top priority should be given to exposing the gravity of the problem and working towards implementing a solution.

Members of the SBA and the curriculum committee should be meeting on this matter within the next few weeks. The only thing that is certain is that any improvement in the present conditions will depend on the determination of those directly affected.

5. A "visiting professor" program might be undertaken. This amounts to inviting a noted professor from another college to come to WMCL to teach for a limited period of time. This procedure is done at a number of colleges and not only contributes a means of offering more variety and flexibility to the curriculum but also creates a great learning experience for both students and faculty.

County Courts Count on Foristell

Legal Research as Close as the Phone

by Ken Davis

A district court judge in St. James, Minnesota is presented with a difficult evidenciary problem in the midst of a trial. There appears to be no Minnesota precedent in the area, and the judge does not have the facilities to conduct more extensive research of the type needed to resolve the question. To whom does he turn? To the state Judicial Advisory Service.

When the Legal Education Center at 40 North Milton opened its doors to its first tenants on July 1, 1977, the Judicial Advisory Service moved in. The location of this little-known state agency next to William Mitchell led to considerable speculation as to the function of the agency. Among the more plausable suggestions were a data bank for the state's judiciary and a speech writing service for the state's judges. An investigation reveals that the actual answer is a composite of these two.

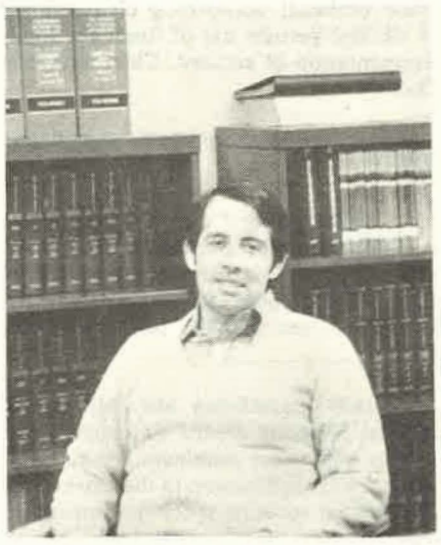
The director of the Judicial Advisory Service is Steven Foristell, a 1974 graduate of the University of Minnesota Law School. In this capacity he is director of a legal research center for the state's 80 county court judges and 40 other judicial officers who do not have law clerks. This clearing house operation performs three basic types of research.

The Judicial Advisory Service was created in 1974 with a $47,000 grant from the Law Enforcement Assistance Administration. The project was begun at St. John's University in Collegeville, but moved the LEC center to be near to a more complete law library. Foristell is assisted in his research by two part time researchers who are Milliam Mitchell students participating in the work study program.

The first type of service provided is "instant" research. This is usually initiated by a phone call to Foristell from a county court judge. Typically the judge is in the midst of a trial and has a question on procedure that must be answered before the trial can continue. The judge may decide to recess the trial while he researches the answer. However, to prevent delay the question may be relayed to Foristell who is often able to provide an answer within the hour. Therefore, the trial is quickly continued.

The second form of legal research performed by the service is a more involved procedure in which the briefs and questions of the attorneys and the findings of fact of the court are submitted and a written memorandum is prepared by Foristell. If time permits, Foristell will consult his three judge supervisory panel to seek their opinions.

The third function that is performed is of particular importance to practitioners in those jurisdictions that Foristell serves. This consists of providing manuals and checklists for the judges to use. This added service seemed in part to be a result of the shifting of paternity cases to county court from district court. This change placed paternity cases on the calendars of



Steven Foristell

judges who were generally unfamiliar with them. To assist the judges, Foristell prepared a checklist and proposed jury instructions for paternity cases. To date, Foristell has prepared an additional manual dealing with unlawful detainer, implied consent, uniform enforcement of reciprocal support, and a child custody edition that was mooted by the Supreme Court's adoption of the Uniform Child Custody Jurisdiction Act. These manuals would be invaluable to a practitioner who comes before a judge who utilizes the publication.

Foristell believes that the highest volume of questions he has in any one area of the law is drunk driving questions. The confusion arising in this area is due in some degree to the two different statutes that govern the driving while intoxicated statute and the Implied Consent Law. The overwhelming number of decisions in this area also confuse the law.

Forestell is sometimes called upon to research some unusual questions. One of these involved a "Karen Quinlan" situation in which an 8 year old girl had drowned and been revived but her brain ceased to function. The parents sought to turn off her respirator but were unsure of what type of action to bring. With the help of a judge and the hospital's attorneys the parents were able to utilize the Judicial Advisory Service. Foristell found that the only reference to time of death in the statutes is M.S.A. 525.927 entitled the Uniform Anatomical Gifts Act which states that the time of death may be determined by a doctor. The judge in the case, on the basis of this and further research suggested that the hospital form an ethic committee to make a determination. The committee decided the girl was dead and allowed the respirator to be turned off.

Another interesting case was a 1975 case in which a teacher challenged the "fair share" requirement of the Public Employees labor Act in conciliation court. The "fair share" concept requires teachers not members of the teacher's association to pay a "fair share" of the cost of arbitration of labor disputes. This particular teacher was upset because the fair share was only $.10 less than the complete union due. This case went to the Supreme Court where the court found that constitutional arguments researched by Foristell, including the idea that this was an arbitrary and capricious taking without hearing and notice, had some validity. However, the court found for the defendant. It is interesting to note than on April 1, 1976 a new formula for calculating the "fair share" requirement was introduced.

Law Examiners Back Off After SBA Protest

Due in part to the efforts of the SBA in initiating a letter writing campaign, the State Board of Law Examiners has reversed itself in a major decision.

As was reported in the Oct. 1977 **Opinion**, the Minnesota Board of Law Examiners of the State Bar Association announced that the rules of bar admission were to be changed with the next (Feb. 1978) exam. The change involved the computation of the average bar exam score. The final score on the exam determines whether the student is qualified to practice law in the State of Minnesota.

The change announced at that time was that the lowest score of the 16 would no longer be discarded before the score was calculated.

When asked for the Examiner's rationale, no comment was forthcoming from Director Richard E. Klein. The SBA Board of Governors, reflecting the alarm and concern of the WMCL student body, commenced a campaign against the immediate implementation of the new policy. The SBA engaged the services of a student who researched the question of the right to advance notice of the change and the report is forthcoming.

SBA president Al Bonin also contacted the University of Minnesota and Hamline Law Schools, encouraging their student government to initiate their own letter writing campaigns. While it is not known how many students did respond by writing letters of protest to the Board, sources speculate that the campaign was partially responsible for the Board's reversal of their November decision. In fact, in a letter addressed to Dean Burton, Klein stated that in the interest of providing adequate notice of the change, the new policy will not be implemented until the February 1979 bar exam. However, the Examiners contemplate that at that time the scores on all 16 exam questions will be averaged in reaching a final determination on bar admission.

In another change, the Bar Examiners changed the nature of the Professional Responsibility question. Previously, the PR question was essay, like the remainder of the exam. Beginning with the February 1978 exam, however, it will be a multiple choice two hour exam. A student must pass the PR question in order to be admitted to the Bar. Should a student flunk the PR question, but pass the remainder of the bar exam, he or she will have an opportunity to re-take the professional responsibility question without having to re-take the entire bar exam.

No day-old parking permitted!

This sign spotted at a Ford Parkway pie shop gave our photographer food for thought and for a photo!

What's in the Legislative Hopper?

by Greg Colby

Contrary to popular myth, the state legislature is not dominated by lawyers (only 13 members of the House out of 134 members are lawyers, while in the Senate 12 are lawyers out of 67 members.) In fact neither the House nor the Senate has ever been dominated by a majority of members who were lawyers. (*Legislative Manual 1977-1978,* State of Minnesota Secretary of State, p.10). Despite this surprising statistic, the state of the law and the judiciary in Minnesota is not considered poor. Past legislatures deserve some credit for this.

This year one part of the legislature, the Senate Judiciary Committee chaired by Senator Jack Davies (DFL, Minneapolis), again has numerous bills before it. A sampling of those submitted to the committee are described below. The descriptions of the bills were transcribed from their corresponding index cards in the Senate Office in the Capitol.

Currently sitting in the Senate Judiciary Committee awaiting further action are the following bills called "Senate Files," hereinafter referred to as "S.F."

S.F.1587 Establishing an evaluation program for committed persons; courts to appoint a counsel guardian for committed persons to report patient progress to the court; Central Agency within the Department of Public Welfare to develop program of statistical analysis; protecting privacy. Chief author - Sikorski.

S.F.1659 Limiting a convicted person's right to commercially exploit the crime for which he was convicted; making payment otherwise due the convicted person to the crime victimsd; authorizing civil actions by victims; permits use of funds for legal representation of accused. Chief author - Chmielewski

(Remember Son of Sam and Patty Hearst?)

S.F.1678 Setting 7 days imprisonment as punishment for conviction of driving while under the influence of alcohol or with blood alcohol at 0.10%. (amends M.S. 1976, sec. 169.121 subd. 3) Chief author _____

S.F.1679 Establishes the Minnesota Judicial Selection Board to review candidates and select nominees for judicial vacancies for submission to the Governor; confidential records; specifying membership including the Chief Justice as an ex-officio non-voting member. Chief author - Knutson

(A former governor of Georgia created a similar board in Georgia in the early 70's and followed its recommendations. Will he follow a similar procedure for his first U.S. Supreme Court nomination or will another promise be broken?)

S.F.1680 Allowing for emergency hospitalization of mentally ill and mentally deficient persons upon an oral statement by a licensed physician or a person trained in the field of alcohol abuse. Chief author - Peterson

S.F.1697 Prohibiting the promotion and disseminatiion of obscene materials. (Pass constitutional muster??) Chief author - Olhoft

S.F.1827 Prohibit discrimination in employment on the basis of a criminal record as defined; excludes persons who have been convicted of a crime which reasonably relates to the position of employment; unfair for persons providing bonding services to discriminate on the basis of a criminal record except when it relates to expected losses, expenses or a degree of risk. Chief author - Spear

One should not be misled into believing that all the bills currently before the Senate Judiciary Committee are as interesting as the above. Many are maintenance type legislation such as the following:

S.F.1586 Increasing the number of judges for the 2nd and 4th judicial districts. Chief author - Tennessen.

S.F.1615 Proposing an amendment to the Minnesota Constitution, Article VI, Sections 2 and 13 removing references to the offices of district court clerks, supreme court clerk and reporter and the state law librarian from the Constitution. Chief author - Davies.

S.F.1695 relating to law libraries, raising the law library fee in district, municipal and probate court cases from $3 to $5; providing for fee for office probate proceedings. Chief author Brataas.

Other interesting bills now before the committee include the following:

S.F.1613 Repealing the procedures for compulsory retirement of District Court Judges due to physical or mental incapacity; removing the provision for confidentiality of the proceedings of the board on Judicial Standards as regulated by the Supreme Court. Chief author - Davies.

A call to the office of chairman Davies cleared up the misapprehension that the Senate was trying to insulate the judiciary. The Chairman's aide explained that the bill removes existing procedures from the statute, but the Minnesota bench will continue to be subject to removal for mental or physical disability. The new procedures should be embodied in the Rules of the Board on Judicial Standards. The Minnesota Supreme Court now sets the rules of behavior for the state's judiciary, rather than the legislature.

S.F.1613 has already been passed by the Senate, and it now awaits action by the House.

S.F.1894 Repealing the Municipal Court jurisdiction of rental property actions. Repealing M.S. 1977 supp., sec.488.04 subd. 3a. Chief author - Davies

S.F.1617 Relating to evidence; eliminating the presumption of due care in negligence actions. This bill has passed the Senate and it is now awaiting action in the House. Chief author - Davies.

Note that this is not a representative sampling of the bills currently before the Senate Judiciary Committee. It represents less than a third of the bills before that body.

Law Review

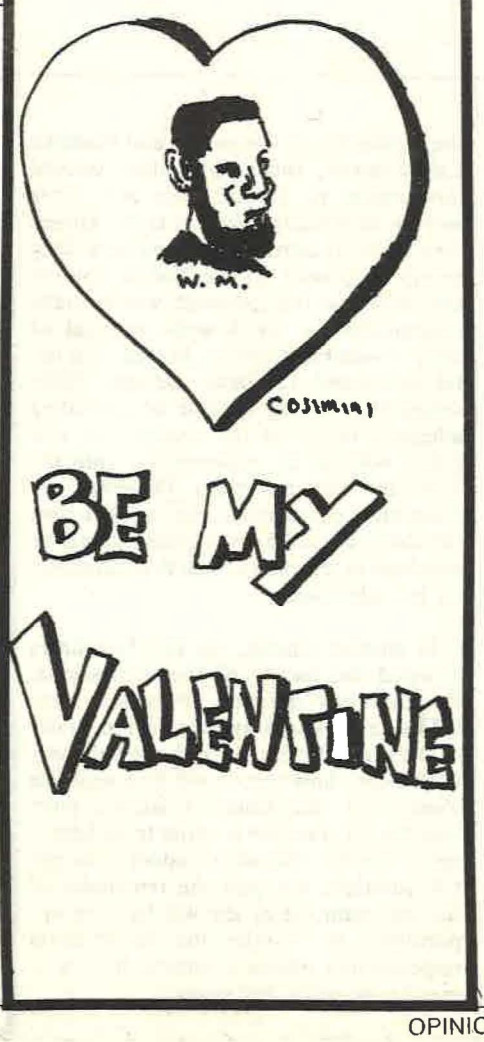
Next Issue Out Soon

The continued growth of the Law Review is symbolized by volume 4. In the past, volumes have appeared in a single issue. Volume four will appear in two issues. Issue one will be distributed later this month, and issue two is scheduled for distribution in August.

Issue one will contain a lead article contributed by Jack Nordby, a member of the Minnesota Bar. His article will deal with the preparation and presentation of criminal appeals, with special emphasis on criminal appeals to the Eighth Circuit.

Issue one also will contain four student notes and several comments on selected cases decided recently by the Minnesota Supreme Couurt. One of the student notes focuses on the impact which three Minnesota cases—*Konantz, Koester,* and *McCrossan*—have had on the indefeasibility of Torrens property. Another student note concerns the notice of claim requirement under the Minnesota Municipal Tort Liability Act. A third student note examines the rights of subrogation and indemnity under the Minnesota No-Fault Automobile Insurance Act. A final note discusses the tort of invasion of privacy and proposes a new approach to defining the tort.

Issue one will be distributed free to students. The dates and times of publication will be posted in the docket.



Mini - Law Classes

Public Invited

Feb 15	**Income Taxation - Curtis Stine**
Feb 22	**Conflicts of Law - William Danforth**
Mar 1	**Constitutional Law - Kenneth Kirwin**
Mar 8	**Laws of Sex Offenders - Melvin Goldberg**
Mar 15	**Tort Law and No Fault Insurance - Michael Steenson**
Mar 22	**Criminal Law - Marvin Green**

Room 111 7 pm - 9 pm $1 each class
Further information call Evelyn Corliss 227-1288

Rip-Offs Out of Control at Library

by Scott Borchert

Theft has become a serious problem at the library. Carol Florin, Head Librarian, estimates a total loss last year of $5000 for stolen volumes and actual cash outlay for replacements.

Missing volumes are becoming a real threat to expansion as library funds are eaten away by extraordinary replacement costs. Students are becoming increasingly frustrated in their searches for vital but missing resources.

The problem cannot be attributed solely to Mitchell students. As the library has expanded, so also has the number of library users. Alumni, local attorneys, and law students from other schools now utilize the library extensively. The library staff does not discourage this use, but is confronted with the problem of irresponsible use of our resources. Every library user has a duty to use library materials in a professional and ethical fashion. Stealing is not only intolerable, it is unprofessional.

The new library is a great improvement, not only in terms of space but in available resources. Third and fourth year students still cringe when they remember the cramped, inadequate study facilities in the old building. The library staff has made substantial progress this last year in creating a first-rate law library. Future improvements will include furniture for the study rooms and study carrels.

The library has acquired a second complete set of Supreme Court Reporters, Second Series Regional Reporters and State Digests, in addition to constant additions to the monograph collection.

The library has also received a collection of all First Series Regional Reporters on ultra-fiche as well as several fiche readers and printers. As available space in law offices decreases in the future, microfilm will become a more practical method of storing information and doing legal research. Students are encouraged to familiarize themselves with and use these materials.

Problems have multiplied as the library has experienced this growth. One obvious difficulty is the increased staff time required to process new acquisitions. Another problem is the increased cost of maintaining the new volumes in the form of posting new pocket parts and adding new volumes. And of course, there are the thefts.

Mitchell students and faculty do have a responsibility and direct interest in the maintenance of the library. Fines do not help. Law students are supposedly too old to be slapped on the wrist or sent to the Dean's office.

It seems impossible to totally eliminate the problem. At a faculty meeting last fall, the issue of library thefts was discussed but no solution was forthcoming. If the current rate of theft is not curtailed, the library administration will be forced to take actions which would make life less pleasant for library users. A human or electronic security system would have to be installed. The cost and inconvenience of such a system would have to be shared by all library users as the only realistic solution to the problem.

It is clear that the present honor system is a great convenience. This convenience, however, is a privilege that is being abused. It is up to you (remember Smokey the Bear) to do something about library theft. You are now officially put on notice.

SBA Allocates $5100 at January Meeting

by Tom Copeland

The SBA spent over $5100 at its January 29th meeting. This was more than it has dispensed at any one meeting in recent memory. SBA treasurer, Bob Gjorvad estimated that there would be slightly over $11,000 in SBA funds by the end of the semester to cover these expenses. The $5100 was allocated in the following way:

$2,000 Law Review
$1,000 **Opinion**
$800 Saturday Seminars
$500 Wine Tasting Party
$500 Library Typewriter
$300 Moot Court Prizes

Below is an explanation of these amounts.

$2,000 Law Review The Law Review operates this year on a budget of $21,000 and several tuition waivers which come entirely from the administration. Because of the difficulties in accurately determining its costs, Denny Trooien, Law Review editor asked the SBA to make up its budget deficit. He requested monies to help pay for printing expenses, a new typewriter, office supplies and certificates of recognition for its writers and editors. The original request to the SBA was for $1848.03 but when it appeared that there was no opposition Trooien suggested, "Why don't we make it an even $2,000?" The motion passed 13-1.

Steve Corson cast the lone dissenting vote explaining to the **Opinion** that he felt the administration should cover the deficit and that the Law Review came to the SBA because it was a softer touch.

Other members of the SBA expressed the opinion that the Law Review is valuable to the students because it increases the prestige and recognition of the school. By raising the school's status it will help students seeking employment.

According to Trooien the Law Review budget for next year will be submitted to the administration within a month. He feels that it is definitely the intention of the administration to completely finance the Law Review. If this happens future requests to the SBA for money appear unlikely.

The next issue of the Law Review is due out in one month; the following one in August.

Saturday Seminar panel discussion on the *Bakke* case drew a standing-room-only crowd in November 1977.

$1000 Opinion Loretta Frederick, **Opinion** editor, asked for and got unanimous SBA approval for $1000 to cover expenses of the newspaper. Increased costs were due to a larger number of pages and more pictures per issue. As an SBA member, Frederick joined in the vote. The **Opinion** is financed 60% by its ads. The remaining expenses have been split between the SBA and the administration in the past. So far this year the administration had given $1800 plus several tuition waivers and the SBA, before this meeting, had given $1000.

$800 Saturday Seminars This allocation generated the most heated discussion of the meeting. Carrie Sachs, organizer of the seminars, announced that she had made arrangements for four seminars in February and was trying to set up several more for March. Several members expressed their consternation about the fact that Sachs did not have SBA approval to commit money for the seminars. Sachs said she was under the impression that she did have their approval. Bob Gjorvad said he didn't think the costs of the seminars could be justified by their value to the majority of students. Many seminars have been poorly attended, he said.

Members of the SBA consider budget allocations.

the most recent seminar was held January 14th with Justice Rosalie Wahl as the speaker. Less than 15 students showed up. The costs for it were a $100 honorarium for Wahl, $31 for a dinner with Wahl, and $14 for donuts and cider. At the SBA meeting Sachs said she would refuse to buy any more donuts for future seminars because they were not necessary and a waste of money.

A squabble broke out between Sachs and a number of other SBA members over whether the seminars should be cancelled. Charlie Giannetto suggested that some of the speakers be called up and told that due to lack of interest and financial pressures their seminar was being called off.

"I can't call these people back and cancel them," said Sachs. "These are professional people who made a contract commitment with us. You don't treat them like that. It's not professional."

Giannetto replied, "We all make committments and sometimes we have to break them. Governor Perpich has several times refused to come and speak. Why can't we change our minds?"

"Don't compare yourself to Perpich," said Sachs. "You aren't in the same class as him. Who do you think you are?"

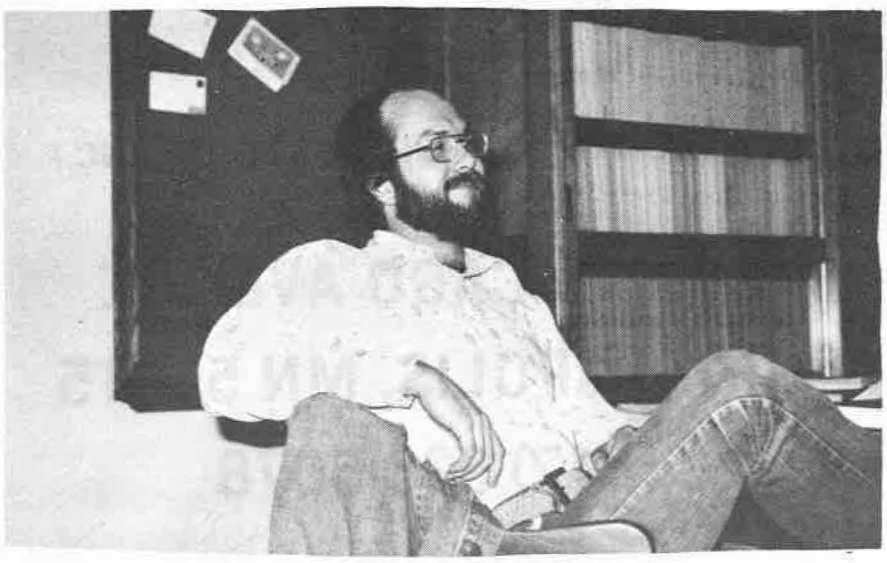
A compromise was worked out in which the seminars already scheduled could be spread out into March and that no more than those would be held. It was noted in support of the seminars that several last fall had been well attended, the one on the *Bakke* case in particular. The final agreement to spend $800 for the honorariums and dinners for the speakers was approved by an 8-6 vote.

$500 Wine Tasting Party Last years party nearly broke even and was considered a great success by everyone. It was decided to charge $1.50 per person this year with the anticipation that the costs for the wine and cheesd would be covered and the $500 would be returned to the SBA.

$500 Library Typewriter The SBA is presently losing money in rental costs on the typewriters set up in the library. Students aren't using them much because it costs 25c for 20 minutes of use. The SBA decided to buy a used typewriter and charge 25c an hour to make it more accessible for students.

$300 Moot Court In another close 8-6 vote the SBA allocated this money for student awards in the Moot court competition. Mike Moriarity, who voted no, said that he was opposed to such monetary awards on principle. Others opposing it felt that the administration should pay for it. Last fall the $500 was given to Moot Court. This year a motion to allocate $500 fell for lack of a second to the motion, and the $300 was allocated instead.

Money for a few smaller items was also spent at this meeting. The SBA voted to allow free access to the student lounge for political candidates. Past attendance records were circulated at the meeting. The best were Al Bonin, Sue Bates and Bob Gjorvad with perfect attendance. The worst were Helen Devolis who missed eight out of eleven meetings and Marc Sugg who missed seven out of eleven.



Denny Trooien, Law Review Editor

The Case of the Missing Directory

by Tom Copeland

What started out as a great SBA idea has turned into a complete disaster. "It's all so embarrassing," says former SBA president Pat Maloney.

Last spring the SBA entered into a $4300 contract with one of its members, Peter Hill, to put out a student directory. Hill was a fourth year student. The directory was to be a book with student pictures, names and addresses which would have been useful to everyone at Mitchell. Nine months later the SBA doesn't have even one picture and Hill is $1400 richer. What happened?

At the final meeting of last year's SBA they decided to hire Hill to produce a directory. The contract price was $4300, recognized as a good deal at the time. Al Bonin, the current SBA president, was opposed to the decision since he thought the newly elected SBA should decide whether to spend so much money. According to Bonin, the previous Board had "itchy fingers" to spend the extra money on hand. Decisions, decisions.

Hill started out well last spring. Remember having your picture taken then? But in the fall he missed his appointment to photograph the entire first year class at orientation. Additional sessions had to be set up. Remember having your picture taken in the fall?

The SBA wanted the directory out as soon as possible. Hill was hard to reach and the project got delayed. Bonin kept asking Hill when the proofs of the pictures were going to be turned over to the SBA so they could be checked for accuracy. Hill kept promising them in another two weeks, then another two...

The SBA was getting a little anxious as the weeks wore on but they remained patient. They even had the courage to nominate Hill for the SBA Outstanding Student Award at its October 16th meeting. The award is given to the student who "has done the most in the preceding academic year to enhance the good name and reputation of the college in and among the legal and lay communities." Needless to say, Hill didn't win.

Finally, on the day when the entire directory was due, Hill turned in his proofs. After examining them the SBA found them in complete disarray; pictures were missing, names were matched to the wrong faces, and addresses were gone. Because of this mess Bonin called a special emergency SBA meeting in November. The Board approved the sending of a letter to Hill dated the 25th which expressed their dissatisfaction: "We feel that you have breached the contract" and as a result "we no longer require your services," it said. They held on to the proofs rather than return them.

No request was made to have the $1400 returned that Hill had already received. In fact, at that time the SBA didn't even know that they had paid Hill anything.

Hill responded by letter on November 29th accusing the SBA of breaching the contract by not returning the proofs. He ended by stating: "I have no qualms about seeking to recover [my] investment and complete the project by whatever means necessary." Up to press time, nothing further has been heard from Mr. Hill.

At their January 29th SBA meeting a motion was mercifully made to "bag the directory." It passed unanimously. By this time Hill was on no one's Outstanding Student list. The Board also decided to try and find out if it could legally recover the $1400 that they eventually learned was paid to Hill.

But it may prove to be a difficult case, even for a room full of promising lawyers, for they have lost their contract with Hill. The contract is reportedly buried somewhere in the chaos of the **Opinion** office. In addition the SBA faces a possible counterclaim by Hill for the unpaid balance of $2900.

Our story ends here for the time being. Hill has $1400 and hundreds of photos of students with the wrong names underneath them. The SBA is wondering what it can do. The contract might be in the **Opinion** office. The students don't have a directory.

Rest assured, however, that the **Opinion** staff will keep its eagle eye on this case. Our readers will be the first ones to learn about any new developments.

SBA Shorts

Elections

Elections for the offices of Law Student Division of the American Bar Association Representative and the **Opinion** Editor-in-Chief are at large elections and are governed by the SBA Constitution and By-laws. The election of students for these positions for the 1978-79 school year will be held April 17 through 21

The rules require that those students who wish to be considered for the **Opinion** position must notify the nominating committee by April 1, 1978. Any person seeking nomination must submit a one page written application to the SBA President stating his or her qualifications and reasons for seeking the position. Each applicant must attend the Nominating Committee meeting (the date for which will be announced in the **Docket**) and respond to questions. The Nominating Committee is limited to two nominations. Nomination may also be made by written petition of 50 members of the Student Bar Association, PROVIDED that such nominee has first made proper application to the Nominating Committee. Nomination petitions must be submitted to the SBA President no later than April 10, 1978. The Nominating Committee for the Editorship consists of Loretta Frederick, Editor-in-Chief, Al Bonin, SBA President, and two students and one faculty member appointed by the SBA Board.

The nominations for LSD Representative are made by students who are members of the Law Student Division at a meeting called for such purpose and held no later than three weeks before the election. The three persons having the following qualifications will be nominated: membership in the LSD for at least 90 days prior to the election and at least two semesters remaining before graduation. The incumbent LSD Rep., Chris Sitzmann, will preside at the meeting and certify the nominations to the SBA Secretary for the printing of ballots.

All balloting for the LSD Rep. and Editor will be done in the SBA Used Bookstore at times listed in the **Docket.**

SBA Loans

Short term tuition loans to students are now available from the SBA on a first come/first served basis. The Board of Governors at its January 14th meeting voted 8 to 3 to establish the new loan program. Dissenters Tom Lovett, Bob Gjorvad, and Chris Sitzmann argued that the "chances of default and the potential loss of SBA money," made the project undesirable. The plan was sponsored by Second Year Representative Denny Strand, who was motivated by the interests of his constituency in making tuition payments less difficult to make in times of financial emergency. Strand feels that the fact that "sometimes their student loans are late and tuition payment time can be a real problem," means that the program would be a relief. He indicated that the students are interested in avoiding one of many sources of potential anxiety they face at WMCL. Strand cited three law schools as having successful loan programs and noted that the idea came from the August 1977 ABA convention.

One thousand dollars of SBA funds will be made available in amounts of $200.00 or less to any student, other than first semester student, who is temporarily short of money for tuition. The loan checks will be paid to the order of WMCL to ensure that the money is used for the purpose of tuition payment. The repayment deadline has been set at 60 days from the date of the loan or at the end of the academic year, whichever comes first. Interest will be charged at the rate of 6% per year. Interested students should contact the SBA through the Used Bookstore.

Drop-Add

Implemented for the first time this semester is a new policy passed by the faculty on dropping and adding courses after formal registration. As has been announced in the Docket and in several of the classes by professors, any student who has registered for a limited-enrollment course for which there is a waiting list may not drop the course after the second week of the semester.

While this new rule may appear to lock students into classes and inhibit free choices, it may prove to be one remedy for scheduling nightmares. The rationale for the change is rooted in the finding that students who register for extra courses and drop them half-way into the semester are precluding other students who may really need the course from registering for it. The rule makes the final time for course dropping simultaneous with the add deadline. This enables waiting list students to actually get into the desired courses and forces students to think more carefully when registering for classes.

Other impetus for the new policy came from the scheduling problems which result when a student registered in a skills course drops late in the semester. The intricacies involved in making video and other arrangements necessitated a more hard-line policy on allowable course dropping.

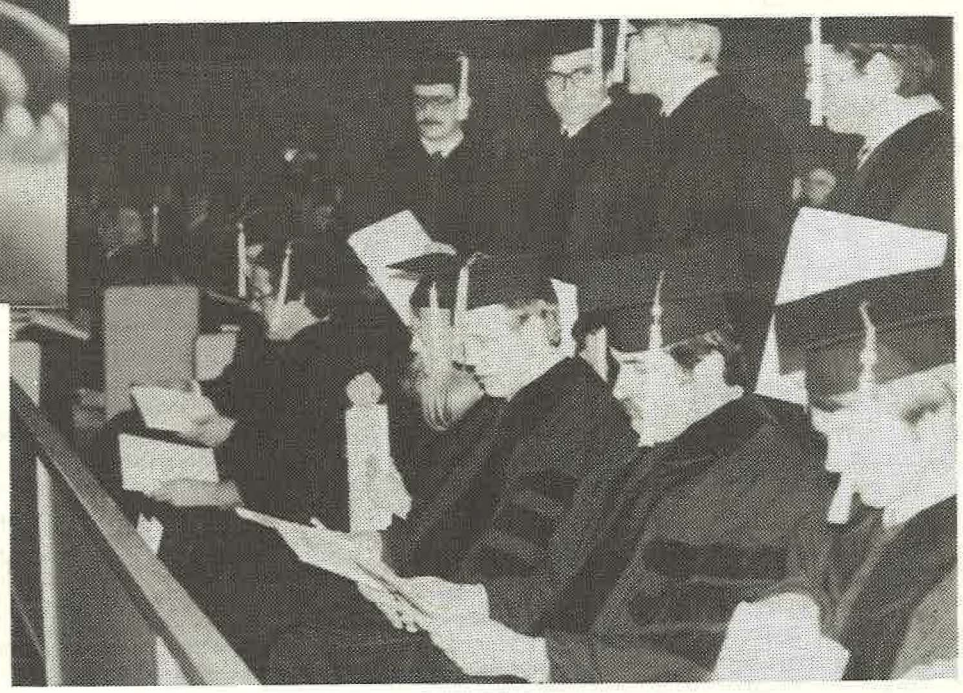
MPIRG

Beginning next fall students will be asked to pay a special fee of $2.00 for the Minnesota Public Interest Research Group (MPIRG). The fee is voluntary. Students may elect to refuse to pay it when they pay their tuition. This decision was made by the SBA at its January 29th meeting. The SAB rejected an alternate plan of making the fee mandatory and allowing the students to get a refund.

MPIRG is a Ralph Nader-inspired citizens research and lobbying organization funded and run primarily by students.

Graduation December 1977

Honorable Judge Hachey, Board of Trustees President, addresses December 1977 graduating class.



Spring Smoker

March 10

The Spring Smoker sponsored by the SBA is scheduled for Friday March 10th, so exams can't be far behind. For those who have recovered from the Wine Party, free beer and music will be provided at the Prom Center to get the mood established for finals.

Legal Services

continued from page 1

which twenty students were represented. This spring plans are to return for a longer period.

The proposal written by Haydock and Green offers two alternative plans. Alternative I would provide full legal services only to indigent students. An indigent student is someone with a net monthly income of below $325 for a family of 1, $400 for a family of 2, etc. For non-indigent students legal services would be available on a limited basis. Costs would be $3 per student per semester. Alternative II would provide full legal services to all students at $3.45 per semester.

Litigation against the schools enrolled in the program would not be covered because of the potential conflict of interest involved. For the same reason the program could not represent one student against another or one student against a student organization. In our current parking lot controversy, for example, the program wouldn't be able to represent any of the parties involved.

Since this legal services program seems like such a good idea for students, the **Opinion** asked Haydock why students hadn't thought of it first. "It just goes to show that the administration is light years ahead of the student body," he replied with a smile.

The SBA has received Haydock and Green's proposal but has so far taken no action. "It's been kicked around at one meeting," said SBA president Al Bonin. Haydock is waiting for them to respond. "There's no sense in providing students a service they don't want if the SBA won't vote for it."

Parking continued from page 1

confirmed the rumors. The school began issuing parking permits the next day. Stine's opinion was not released until a week later.

Since the decision, Butler has filed a complaint with the Minnesota Department of Human Rights. He is also preparing to bring a private right of action suit in Ramsey County District court pursuant to the provisions of the Human Rights Act. A private right of action may not be brought until 45 days have elapsed after the complaint is filed with the Department.

Quick action on his complaints is not likely. Currently, the Human Rights Department has a 18 month backlog of complaints waiting to be investigated. Cases that began in 1974 are only now being disposed of by the Department. It is anticipated that his case will proceed faster through the courts, but even then he will be forestalled by a 12 month backlog.

Given the above time frames, it is likely that Butler, a third year student, will have graduated by the time his case is heard. Butler is not concerned about the wait. He said that he knows of at least one male first year student who is preparing to intervene in the cases to preclude disposition on mootness grounds. As far as Butler is concerned, he is ready to take his case all the way to the Supreme Court.

While his cases are pending, Butler will not be idle. He bought a house located across from Mitchell and joined the Selby Portland Neighborhood Organization. That group has become increasingly vocal over the "Mitchell parking problem." Butler anticipates becoming an active member of the organization.

Meanwhile, Sachs and Louisell indicated their pleasure with the decision. They would express no opinion when asked to comment on Butler's new complaints, other than to say that they were prepared to file amicus briefs on behalf of Mitchell, if necessary.

LSD Convention Report

by Patty Bartlett

The Law Student Division Eighth Circuit conference at Creighton University, Omaha, Nebraska, was a success due to LSD leaders like Nancy Roberts, Eighth Circuit governor, Mike Schwartz, Eighth Circuit lieutenant governor from Creighton, and the many people mustered behind them.

Naturally there were events and activities of a non-scholastic character, including entertainment by a rousing blue grass band Saturday evening at the close of the conference. The main focus, however, was on the outstanding program.

Professor Gerald Williams, known for his research on legal negotiations procedures, outlined his manual, interposing excellent tapes and discussion. His research seeks to define various negotiator types and, for example, how to survive as a negotiator against an aggressive, flamboyant negotiator if you happen to be rather mild mannered or cooperative. His manual on achieving effective negotiations, along with notes on the conference, will be in the library on reserve.

The Honorable Donald P. Lay of the Eighth Circuit Court of Appeals spoke on "Advocacy in the Courtroom." He noted the sad situation of unprepared counsel who has to, if questioned, respond, "I don't know the case very well." He emphasized that preparation not only gives a lawyer a better chance to win but helps the judiciary write good law.

Judge Richard H. Ralston concluded the program Saturday with the talk "Practicalities of discovery." His discourse was replete with suggestions for success both in preparation and at trial.

Has a new school sprung up at 2100 Summit Avenue? No, it is the old WMCL building, now owned by St. Thomas College. When William Mitchell Director of Development, Gerald Bjelde, was asked whether the potential confusion could cost dollars in the current fund raising campaign, he reassured the **Opinion** that the sign refers to the William Mitchell Building of the College of St. Thomas. He added in jest, "If people want to believe that William Mitchell has absorbed St. Thomas, let them!"

Friday Grape Lovers Unite

The annual SBA Wine Tasting Party will be held in the student lounge on Friday, February 17. Festivities will begin at 8:30 p.m., and are expected to go until 1 a.m. Various French, German and California wines will be available for tasting, and cheese and bread will be served. Music and dancing are expected to break into a frenzy as the bachannal spirits rise. Unlike last year, no wine salesmen or movies will be allowed on the premises. Cost of admission is $1.50.

PAD

Judge Devitt to Speak

New Officers Elected

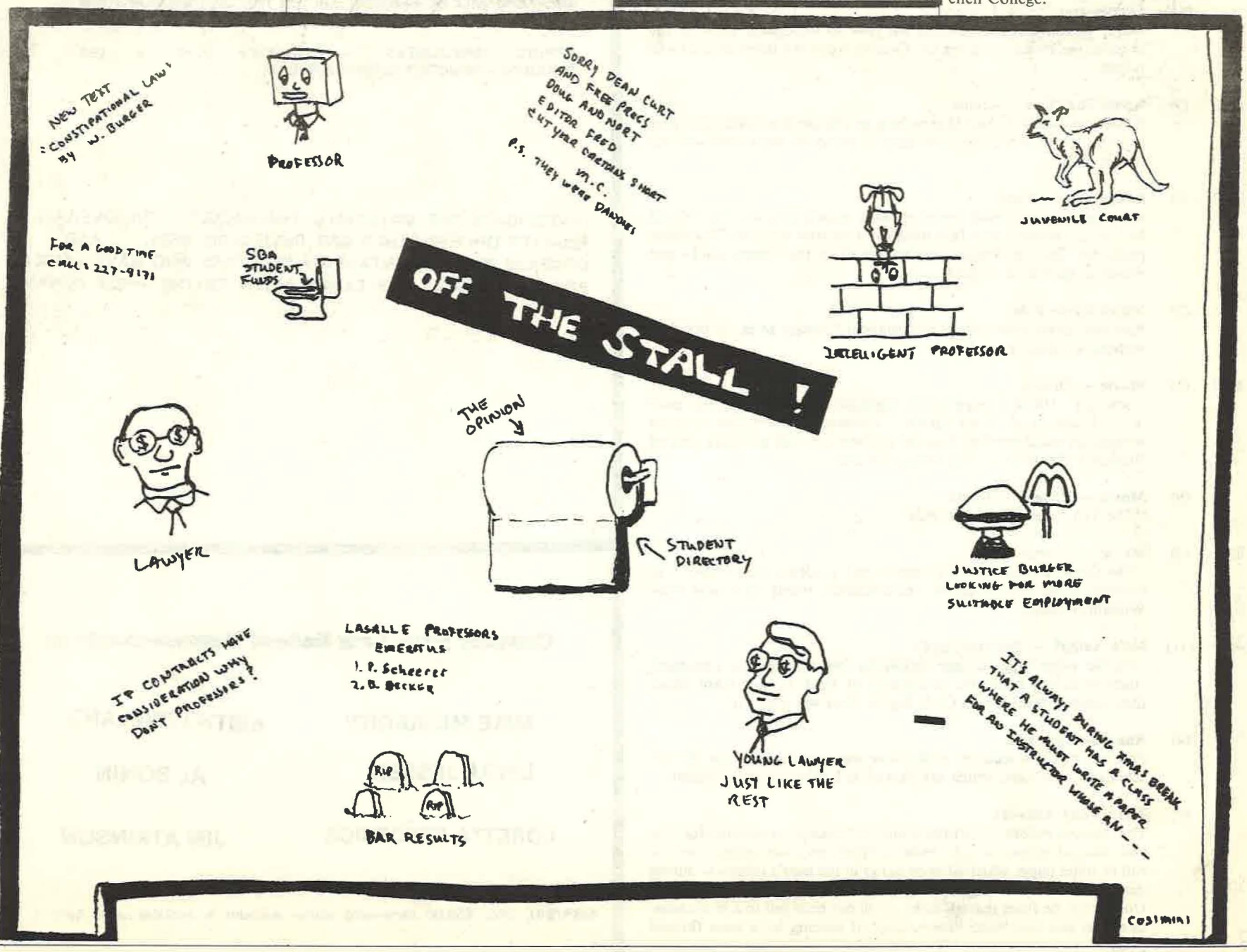
by Carol Schoen

The major upcoming event for the Pierce Butler Chapter of Phi Alpha Delta Law Fraternity is our luncheon on March 11. Judge Edward Devitt will be speaking to us on the topic of Practice Before the Federal Courts. Members, as always, are encouraged to attend and non-members and guests are welcome. The luncheon will begin at 11:30 at the Lexington on Grand and Lexington. (Notice: this is a change in the scheduled location.)

January and February were busy times for PAD. On January 28, we conducted our winter initiation at the Supreme Court Chambers. A welcoming reception for the new members followed the ceremonies at the University Club. On February 11 there was a Lexington luncheon with Roger Smith from 3M speaking on International Law.

The new officers can be contacted by anyone who has ideas, time, or problems concerning the Fraternity. They are: David Bland, Chief Justice; Carol Schoen, Vice Justice; Janet Pollish, Clerk; David Anderson, Treasurer; and Nicholas Ostapenko, Marshal. Phone numbers are posted outside Room 318, the PAD office.

Once again, our chapter will be attempting to organize an active alumni group. If you are an alumnus and willing to participate, please contact us through the Phi Alpha Delta P.O. Box, c/o William Mitchell College.



T.V. Misguided

by Jim Pauley

7:00 (9) **Captain Video and His Video Ranger**
Captain Video and his Video Ranger, Arnie, discover porno films among the Civil Practice and Trial Skills tapes and spend the rest of the semester trying to find out who did it.

(11) **Three Stooges**
Moe, Larry and Curly take over the administration of William Mitchell for a semester—and no one notices any difference.

9:00 (5) **Dorsey Day Show**
Irv Weiser moderates as parttime faculty members discuss the quality of the student body at William Mitchell.

(4) **Let's Make a Diehl — Game**
Students in Health Law negotiate with their professor for a grade.

12:00 (11) **Gagging Gourmet**
Bucolic William Mitchell students discuss the vending machine fare available in the WMCL lounge.

1:00 (5) **$10,000 Pyramid — Game**
William Mitchell students are shown leaving the new book store with expensive stacks of required texts.

(4) **Movie** — Comedy
"1,000 Clowns" (1977) After watching the Dorsey Day Show for a whole week, the WMCL administration decides to expand its faculty by hiring an additional 879 part-time instructors.

3:00 (9) **Tuttletales** — Game
Students spend a delightful hour talking about patent law.

4:00 (11) **Leave It To Burton**
Little Burton is in for rocky times after he attempts to determine if the new WMCL lawn sign is really vandal-proof by throwing a large stone at it.

5:00 (5) **Hemphill's Heroes**
Hemphill steals Kommamdant Burton's favorite office handbook and decodes it before having it copyrighted.

(4) **Make Room For DaDa**
Trouble follows after Walter Anastas arbitrarily crosses Idi Amin's name off the Business Organization II roll, thereby lowering the number of minority students enrolled at WMCL by 50%.

(11) **Greenacres**
Oliver (Eddie Albert) conveys his title to Greenacre back to the original fee owner by using the Grantor/Grantee index and a Ouiji board.

6:30 (9) **Name That Tort** — Game
Professors Steenson and Marino host as 110 anxiety-ridden first year students spend two hours competing to name the most torts with the fewest facts.

7:00 (4) **Bridget Loves Bernie**
An entertaining comedy series about a second year student (played by Ophelia Barass) who falls madly in love with her Civil Procedure professor. Tonight Bridget corners Bernie in the library stacks and demands service of process.

(5) **Match Game P.M.**
Assistant Dean Stine struggles to make it through an entire tax class without a cigarette.

8:00 (5) **Movie** — Drama
"Sounder" (1974) Special effects highlight this disaster movie made in the tradition of "Earthquake." Desperate second year students struggle to maintain their hearing abilities through an entire year of Professor Danforth's Civil Procedure class.

(9) **Movie** — Religious Drama
"The Ten Amendments" (1962)

8:30 (4) **Movie** — Drama
"The Great Escape" (1978) Fourth year students tunnel their way through a list of new course requirements, trying to escape from William Mitchell.

10:30 (11) **Mein Kampf** — Documentary
Graphic video tape footage highlights this chronicle of oppressed students toiling under the mountains of work as they learn about their steadily diminishing Civil Rights. You will enjoy it!

(4) **Run For Your Life**
Four women law students make their way unescorted from the law school to their cars, which are parked at Lexington and Summit.

(9) **Tissues and Answers**
The evening before his property and torts exams, a resourceful first year student transcribes the entire Gilberts on both subjects onto a roll of toilet paper which he then hangs in the men's lavatory. during the exam the following evening, the excuses himself to the lav. Unhappily, he finds that his toilet scroll has been put to a more mundane use and any hopes that he had of passing have been flushed away.

Faculty Review

by Andrew W. Haines

Out of the loneliness of
my soul I will fashion
a song. And when I
find someone who can
hear my song, we will
sing together.

Sullivan

Although written in another time and place, and meant to be a celebration of the joys and power of love, these words could be a hymn of praise for the moving performances of pianist Keith Jarrett. His playing evinces this same curative force leading to the happiness of union. He seems to create free flowing music from the great void of consciousness. In a sense, he celebrates life amidst a cosmic loneliness. He bridges each of us to the other by the vehicle of music, poignantly evoking the universals of existence. "I hear and I am touched by another. In my joy, I experience the pleasures of existence."

Jarrett's concert of November 14, 1977 in cavernous Northrop Auditorium was no less such a celebration of life. He guided the approximately 2000 persons in a two hour paean of togetherness. As he performed on several albums and in other concerts, he did not announce the pieces or provide a musical program. He, his bassist (no phony single or double necked guitar abomination), his drummer and his saxophonist simply plunged into playing. They did not play numbers as much as they provided extended explorations (15-20 minutes) of blues, jazz, and classical motifs. It was not simply a restyling of jazz standards, but involved a frequent fusion of various themes. In short, he guided us through various modes of expressing musical feeling.

Aside from the substance of his playing, his numerous gestures at the piano added to the intense feelings that his music had already transmitted to his audience. He alternately stood while playing, gyrated his head, moved his shoulders, drummed on the piano, moaned, shouted out in ecstasy, and left the piano to play the bells or tambourine. You could say he makes love to his music and through his music. In turn, the audience was swept up in the feelings of caring and sharing; spontaneously clapping, shouting, nodding and gyrating their bodies.

In many ways, however, Jarrett is not a pioneer. He is the offspring of several musical giants who achieved the fusion of various musical themes. The listener cannot escape perceiving the influence of John Lewis of the now defunct Modern Jazz Quartet, or Gunther Schuller, or the later works of Duke Ellington. As do these musicians, Jarrett creates a fusion of jazz, blues, and classical to achieve a musical expression which at times cannot be classified. The music becomes an idiom leading to a communication of the joys of living. Then, too, his exuberance is not unique to him. This same infectious playing can be seen in the performance of others, past and present. Nonetheless, Jarrett is peerless for his fusion of the musical themes which is often times extemporaneous with the ebullience of one caressing life through music.


LISA BERG

Professor Andrew Haines

From a technical point, I found Jarrett and his group's playing to be excellent. They are very well trained musicians with a fine sense of tone, pitch and harmony. And they showed a smooth coordination and control of the music. One of the free form jazz pieces, a study in organized discordances, was technically brilliant. Without doubt Jarrett showed the skills and musical sense which makes him one of the finest young pianists in the world.

For persons who missed the nearly two hours of musical delight, (this includes three encores—an exhausted Jarrett begged off the fourth) I might suggest a sampling of his albums, which are of excellent quality in playing and sound reproduction: the breathtaking playing on "Keith Jarrett Solo-Concerts Bremen Lausanne" (ECM), "Organ Hymns-Spheres" (ECM), "Staircase Hourglass Sundial Sand" (ECM), and the more bluesy traditional jazz "El Juicio (The Judgement)" (Atlantic), "Mysteries" (ABC Impulse) and "Shades" (ABC Impulse). If you are not now a disciple, these albums will make you one.

As the audience clapped at the end of the concert, some excited young lady yelled, "I love you, Keith!" I, and several thousand others, shared this sentiment. We smiled, laughed, yelled and nodded our agreement. For, as Stevie Wonder's song says, we all thought Jarrett brings "joy inside my (our) tears." "I heard his song, and we sang together for two precious hours. I experienced the joys of living." Amen!

Editor's Note: The **Opinion** is seeking faculty members who will write reviews of any concert, play, movie or book that they have experienced. Join Professors Becker and Haines in their honorable attempts to help us upgrade the cultural level of the **Opinion.** This will be your column, folks! Drop us a note (Rm. 316) or call the office and let us know.

Book Review

A Rumor of War

by Jim Haigh

Phillip Caputo's
A Rumor of War
Holt, Rinehart & Winston
New York, 1977, 346 pp

The title, derived from a quotation in the Bible in Matthew, is a synopsis for the awful truth of the Vietnam War. To the men fighting that war, it came in fragments, twisted by one's superiors, distorted by the climate, and vicious in its effect. A rumor. Wraithlike whispers from the jungle descended as men upon the US Marines guarding the Danang airfield in 1965. First Lieutenant Caputo was one of those men fighting in Vietnam at that time. With this, his first book, he chronicles his time with the military and a year in Vietnam.

His story tells of American men fighting well, with what could be called honor in a simpler time. But the purpose of this honor is muted; honor in service of a rumor is still a disservice to all tainted by it. This is, then, the essence of the tensions in Caputo's writing. How could the author see his friends die for no purpose? How could the author-soldier kill for no purpose? The book does not resolve these questions, nor can we ask Caputo to answer them. The writing of the book, instead, helps us (as it did the author) delineate the honor of his men, their courage, and their fears.

Caputo's sad book appealed to me as one also caught by the military in the late sixties, the curious time of Vietnam. To those emerging from colleges today insulated from the draft, insulated from dilemma, Caputo's book will seem unreal. Those who dismiss it as unreal will lose valuable insights into the mores of that time. Caputo's dilemmas are yours and mine; his were more attenuated and, hence, more "unreal." His perceptions, however, are of a reality far more grim than we could ever know.

This book tells of the beginning of our involvement with Vietnam, in 1964 and 1965. It antedates, then, the period of large scale protests to the war. To use this book only to validate the propiety of early opposition to the war limits its value. The grim vision drawn by Caputo provides us with a perspective for seeing the limits of our morality, and the means to enforce it. Tangentially, as we view the rubble of veterans maimed and killed, we can also judge the horrifying cost.

Caputo brings the relevance of the law to these horrors in the manner of his departure from Vietnam. He had allowed two of his scouts to kill a suspected VC informer in a village near their camp; this decision had ramifications. The assassination was reported to the authorities. Caputo and the assassination team were then court-martialed.

The gloss of Anglo-Saxon justice, Caputo implies, is not fair to him or his men; essentially, it is irrelevant to their mission. Caputo tries to put the war on trial; he wants the war to take the blame for the assassination. The war was not a rumor to him; it was real, as real as the deaths of the men he led, fought with, killed with, and dreamt with.

Reality emerges as the law. In the end, the assassination team is found not guilty and Caputo is merely reprimanded Caputo, his time in Vietnam nearing a year, is sent home. The war has been tried *in absentia,* and been found guilty. Only the record remains as a mute witness to the carnage the war caused within the law.

Caputo returns later as a correspondent to witness the end of the war, to see South Vietnam collapsing in chaos, and to acknowledge to himself that the US had been defeated. He had known that defeat was coming, however, ten years before.

LETTERS

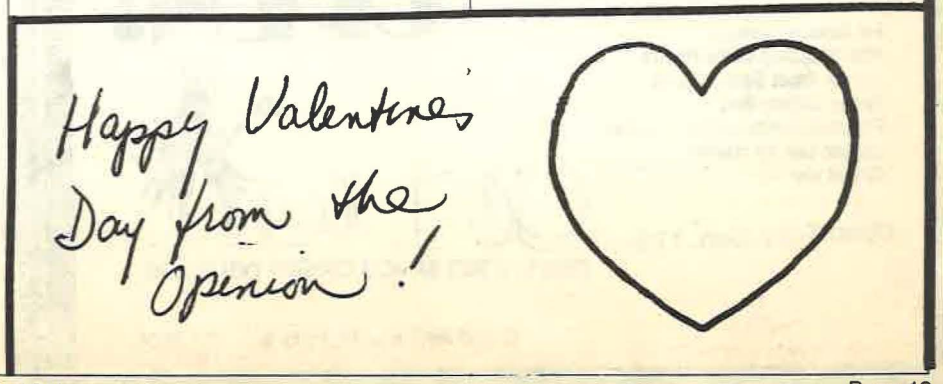
Dear Editor:

With the recent popularity of a certain song by Randy Newman, I don't have to remind anyone that there are short people in this world. Yes, some of us even go to Mitchell. And, yes, being short can pose problems, and off the top of my head I can think of one big one right now. Do you know what it is like trying to reach books on the top shelves of the library stacks? Really, a lot of that knowledge up there is beyond our reach.

To remedy this the library should do two things. First of all, where surplus shelf space is available, the books should be reshelved so that they are not on the top shelves. This should be done with the Minnesota Reports and the Minnesota Briefs on the main floor of the library. Secondly, more foot stools or something should be provided so we can be spared the condenscending smiles of our taller brethern when we have to ask them to get a book down for us. No kidding, it can be a problem.

Sign me,

"On the short end of it"



SPORTS by Ken Davis

Sports Scene Desolate

Jocks Get No Support from Mitchell Sports Program

Even the non-athletes have noticed the lack of athletic competition. Some sit by passively and shake their heads in disgust as frustrated jocks slam-dunk wads of paper into the baskets in the lounge. Others have reacted more violently, blocking shots from the third row of the classroom as nervous bucketballers try to polish their skills. The question in the minds of everyone is: what has happened to the William Mitchell sports program?

Bob Gjorvad, sports director, admits that the responsibility for the failure of the basketball program to get off the ground lies on his shoulders. It seems that the search for a facility was commenced too late in the year. The late start has resulted in a very noticeable void in Mitchell's extracurricular life. Gjorvad has assured the **OPINION** that a better effort will be plut forth this year as he is already negotiating for the use of softball fields for the 1978 Intra-Mural Softball season. Until then, the only sporting event at WMCL will be the wine tasting party where the jocks can polish off a few glasses. A chess tournament is in the offing, and will provide a similarly strenuous activity for muscleheads.

A new format for softball is on the drawing board. Due to the proliferation of teams in the last two years, the league is outgrowing its facilities. So far, three suggestions have surfaced. The first of these is that the league be limited to students, thereby excluding alumni who are now eligible to play. This is the most drastic solution but it may be the only viable alternative if the league is limited to one night of play per week.

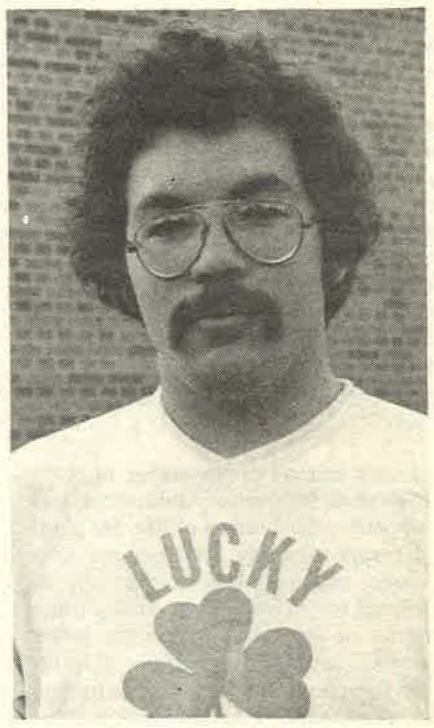
Another suggestion is that a separate alumni league be formed. A championship series could then be had between the student league and the alumni league. Possibly an all-star game could also be scheduled. However, this might dilute the competition of the league and will only be possible if the league is able to play on two nights per week.

The final and most credible solution is the division of the teams into two leagues. This division could be accomplished by splitting all the teams into two equal leagues and having a championship game between the top team from each league. Another possibility is the division of the teams into two classes. A team could then register for a specific class with one class consisting of teams of 50% men and 50% women and the other class using the same format as last year's. Anyone having any suggestions can write to the **Opinion** and the comments will be forwarded to Bob Gjorvad.

As for those volleyball standards supposedly ordered last fall, the vendor went bankrupt and the standards will have to be reordered in the spring.

One hundred dollars had been allocated at the January 6, 1978 SBA meeting for a racquetball tourney. So far there are no details on that event.

Bob Gjorvad



Ken Davis

Chess Tourney Set for March

The SBA has announced that it will sponsor the First Annual William Mitchell Chess Tournament. Participation in the tournament is open to all Mitchell students, faculty, staff and administration.

the tournament will be held during March and will be a round-robin with each participant playing a number of matches. The field will be divided into two classes, amateur and advanced, if sufficient interest is generated.

Details and a sign-up sheet are available at the Used Bookstore. There will be a nominal entry fee charged.

Gjorvad's Retort

by Tom Lovett

"Of sports we had plenty in fall,"
Said Davis of Gjorvad's football.
"But, alas, during the cold,"
He said with a scold,
"The jocks, they have nothing at all."

The ire in the Nordsky arose
When of Davis' remarks he was told.
Screamed Gjorvad "That cad
Has gotten me mad
And will come to distasters untold."

From whence comes the Winter Sports Program
With the front lawn of Mitchell the forum.
The only event
is a fight that will vent
the tensions these jocks have between 'em.

IN GOOD TASTE

by Jim Haigh

Garuda Makes It on Grand Avenue

GARUDA - Victoria Crossing Mall, Grand & Victoria, St. Paul. Telephone: 222-8806. Hours: 11:00 a.m. to 11:00 p.m., tuesday through Saturday; 11:00 a.m. to 9:00 p.m., Sundays.

As part of the continuing revival of Grand Avenue, Victoria Crossing Mall at Grand Victoria opened around Christmastime. One of this mall's biggest drawing cards will be, we predict, **GARUDA.** This dessert-oriented restaurant has all the ingredients—particularly ice cream—to make it one of the more pleasurable spots in town to consume mass amounts of calories.

The owners' care is reflected in the brand of ice cream they use as the base for their clever concoctions: Haagen-Dazs. This brand is known to afficionados as the "best" in the world, and continues to be the source of rumors and legend. Haagen-Dazs is not European, despite its name and packaging. It is made in New York City by a small company that uses only natural ingredients. The resulting ice cream has the taste and texture of the best home made batch.

Apocryphal stories abound regarding Haagen-Dazs. Wealthy patrons, it is said, fly their favorite brand to the Riviera packed in dry ice for their pleasure. And the local distributor, as a matter of fact, started the distributorship so that he could guarantee having it once he moved to the area!

Needless to say, using Haagen-Dazs as the basis for their fountain creations sold us on **GARUDA,** even before we tasted the dessert. To use this superb, all natural ice cream as the foundation for its desserts gives **GARUDA** a clear superiority over other shops specializing in desserts.

The care of the proprietors, Marv and Marlou Hough and Suzette deMira, in the organization of the restaurant can be seen everywhere. The decor is wood, brick, and plants; the openness of the mall itself helps to create the added impression of being outside on a terrace. The stark white walls are muted somewhat by the use of plants and a large mural. Place mats and napkins are a mottled blue batik and lend a distinctive air. With the simple white china, bentwood chairs, and sturdy wood tables, the modern appearance is softened somewhat. One problem that exists with the mall system and the brick flooring is the noise level; with a large crowd, the noise level is quite high and can be disconcerting.

The menu itself reflects the orientation of the restaurant; half is devoted to dinners and sandwiches, and the other half is devoted to desserts and beverages. Dinners range in cost from $4.50 (Steak Bearnaise) to $3.25 (Eggplant-hamburger Parmigano), with cold sandwiches around the $2.00 range. The food dishes were hearty and simple, with eclectic dishes showing the tastes of the owners—the Pancit sandwich has, for example, egg noodles, pork, chinese sausage, shrimp and vegetables. A Garden Salad can be had for $1.95 and there is an Antipasto at $3.50. Asparagus toast (of German extraction) is listed, as well as an English Breakfast plate! For those liking fish, scallops and salmon plates are listed also. The international selection one can sample here should satisfy the most difficult tastes.

But the desserts! Flambes' (Bananas Foster, Cherries Jubilee) are available after 5:00 p.m. for those seeking a glamorous, blazing treat to start their evening or end their day. The cost is high at $3.75, but it is for two people, and it is a hell of a lot of fun. Regular desserts cost $1.60 and are more than enough for two people. There is a Banana-berry split, a black eyed susan (Fudge brownie, covered with three scoops of ice cream, gobs of hot fudge, and a mound of whipped cream), and a selection of crepes as well. Scoops of ice cream alone, for those ice cream freaks that enjoy their Haagen-Dazs "pure," are also available. And this summer, a popular spot to stop will be the take out counter located on the west wall of the restaurant, where one can buy cones of ice cream. The more mundane malts and shakes are here also, for those of you who can't forget Dairy Queen.

On the whole, we enjoyed the new restaurant. It has good coffee, a pleasant, albeit noisy, atmosphere, and courteous service. The omissions we noticed could be cured over time; that is, soup should be offered, as well as wine. Also, the silverware was quite ordinary, and the service was slow. The slowness of the service, however, was due in part to the large amount of fresh publicity that **GARUDA** has gained recently; we went on a weekend when there was an overflow crowd.

Please give yourself a break and try one of William Mitchell's newest neighbors soon— the **GARUDA** restaurant in the Victoria Crossing. We're sure you won't be disappointed.

Wine Party Friday February 17

William Mitchell
OPINION

February 1978 Number 4

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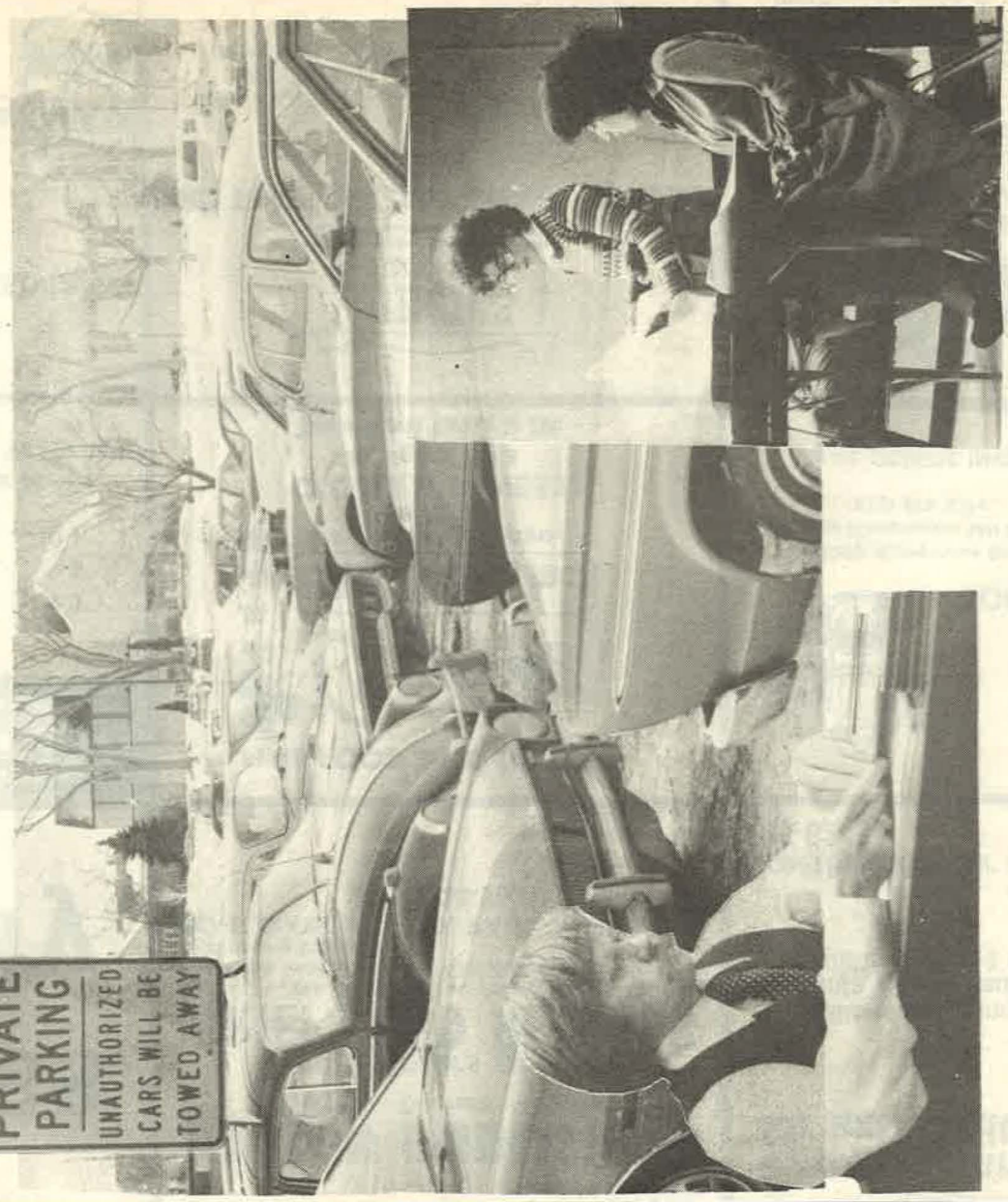

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